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11 \*Attorney for Petitioner Marcus Hunt

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Marcus Hunt,

15 Petitioner,

16 v.

17 Brian Williams, *et al.*,

18 Respondents.

Case No. 2:14-cv-01054-RFB-NJK

**Stipulation to Continue  
Evidentiary Hearing**

19 The parties hereby agree and stipulate to continue the evidentiary hearing  
20 set for January 4, 2019, no less than 60 days, for the reasons stated herein.  
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1 In June of 2014, long before either of the undersigned counsel appeared in  
2 this case, Hunt petitioned this court for a writ of habeas corpus.<sup>1</sup> Senior Deputy  
3 Attorney General Dennis Wilson represented respondents,<sup>2</sup> and Hunt proceeded *pro*  
4 *se* for two years until this court appointed the Federal Public Defender.<sup>3</sup> Jonathan  
5 M. Kirshbaum appeared for Hunt, representing him thereafter.<sup>4</sup>

6 In 2016, Mr. Kirshbaum filed an amended petition on Hunt's behalf,<sup>5</sup> and Mr.  
7 Wilson answered on behalf of respondents.<sup>6</sup> Mr. Kirshbaum replied in February,  
8 2017.<sup>7</sup> The petition awaited a decision from the court thereafter.

9 Since this time, both parties have substituted representation. Assistant  
10 Federal Public Defender S. Alex Spelman has appeared for Hunt,<sup>8</sup> and Deputy  
11 Attorney General Ashley Balducci has appeared for respondents.<sup>9</sup>

12 As neither parties' counsel have participated in this litigation prior to now,  
13 each party agrees they will need additional time to prepare for the evidentiary  
14 hearing, especially with the upcoming office closures during the holidays.

15 Further, Hunt's counsel needs an opportunity to consult with Hunt and  
16 prepare him for the evidentiary hearing prior to the hearing. If Hunt chooses to  
17 testify, meeting with counsel prior to the hearing will be essential. Second, Hunt's  
18 counsel is informed and believes that Hunt is approaching parole eligibility in the  
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20 <sup>1</sup> ECF No. 1.

21 <sup>2</sup> ECF No. 10.

22 <sup>3</sup> *See* ECF No. 15.

23 <sup>4</sup> ECF No. 17.

24 <sup>5</sup> ECF No. 22.

25 <sup>6</sup> ECF No. 26.

26 <sup>7</sup> ECF No. 32.

27 <sup>8</sup> ECF No. 33.

<sup>9</sup> ECF No. 36.

1 near future, yet this case challenges the validity of the guilty plea that allows for  
2 this parole eligibility date. Accordingly, counsel submits meeting with Hunt prior to  
3 the hearing is essential to discuss the status of his case and prepare for the hearing.  
4 But given limited prison-visitation availability, and given undersigned counsel's  
5 upcoming leave over the holidays, the earliest counsel would be able to visit Hunt  
6 would be Friday, January 4—the date currently scheduled for the evidentiary  
7 hearing. Therefore, more time is needed to allow counsel to meet with him.

8 Furthermore, Hunt's counsel will be on pre-planned holiday leave for ten  
9 days in the end of December and first of January. And in any event, during much of  
10 this time, the Federal Public Defender's office will be closed for the holidays.  
11 Because of this, Hunt's counsel would have only a handful of days to prepare for  
12 this evidentiary hearing. But because counsel has not participated in this litigation  
13 before, this would be far too little time to offer Hunt effective representation.

14 Finally, a potential witness for Hunt would need to fly from Atlanta, Georgia,  
15 for this hearing.

16 Accordingly, the parties agree and stipulate to continue the January 4, 2019,  
17 evidentiary hearing<sup>10</sup> no less than 60 days, to a date to be set by the court.

18  
19 Dated December 20, 2018.

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21 Respectfully submitted,

22 RENE L. VALLADARES  
23 Federal Public Defender

ADAM PAUL LAXALT  
Attorney General

24 /s/ S. Alex Spelman  
25 S. Alex Spelman (Bar No. 14278)  
26 Assistant Federal Public Defender  
For Petitioner

/s/ Ashley Balducci  
Ashley Balducci (Bar No.12687)  
Deputy Attorney General  
For Respondents

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27 <sup>10</sup> ECF No. 35.

1 The evidentiary hearing currently set for January 4, 2019,<sup>11</sup> is VACATED,  
2 and in an order to follow, will be reset to March 13, 2019 at 9:30 AM in LV  
3 Courtroom 7C.

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5 IT IS SO ORDERED:

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9 RICHARD F. BOULWARE, II

10 United States District Judge

11 Dated: December 21, 2018

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11 ECF No. 35.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Ashley Balducci.

Marcus Hunt  
No. 91003  
Southern Desert Correctional Center  
PO Box 208  
Indian Springs, NV 89070

/s/ Arielle Blanck  
An Employee of the  
Federal Public Defender